

REMARKS

Claims 1 through 12 are pending in this application.

Claims 1-12 were rejected.

Claims 1 and 10 have been amended in this Response.

In the following, the Examiner's comments are included in bold, indented type, followed by the Applicant's remarks:

4. **Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "for every unique n-gram Ts, if the frequency of Ts in a set of n-gram statistics is not greater than a first threshold, associating the string with a cluster associated with Ts;**

Otherwise, for every other n-gram Tv in the string T1 . . . R, except S, if the frequency of n-gram pair Tv is greater than the first threshold". The claim does not appear to have no claimed result under the condition where the frequency of n-gram pair Tv is greater than the first threshold. Second, claim recites, "if the frequency of n-gram pair Ts-Tv is not greater than a second threshold, associating the string with a cluster associated with the n-gram pair Ts-Tv". The claim does not appear to have no claimed result under the condition where the frequency of n-gram pair Tv is greater than the second threshold.

...

**The dependent claims 2, 3, 7-9 and 11-12 are rejected for fully incorporating the errors of their respective base claims by dependency.**

Office Action, at 2-4.

Applicants disagree. The Office Action does not set forth a *prima facie* case of indefiniteness. The Office Action is required to show that the proposed claim language is indefinite to one of skill in the art. The structure and a punctuation of a claim must be considered when evaluating the claim for indefiniteness. *See Credle v. Bond*, 25 F.3d 1566, 30 USPQ2d 1911 (Fed. Cir. 1994). In the case of claims 1, 6, and 10, indentation is provided to help define the bounds of the claims.

The Office Action states that "[t]he claim does not appear to have no claimed result under the condition where the frequency of n-gram pair Tv is greater than the second threshold." As an initial matter, Tv is not an n-gram pair. Applicants assume that the Office Action intended Tv to be Ts-Tv. There is a first "otherwise" clause that is aligned with the "if the frequency of Ts in a set of n-gram statistics is not greater than a first threshold" clause, setting out the result when the

condition is not met. There is a second “otherwise” clause that is aligned with the “if the frequency of n-gram pair Ts-Tv is not greater than a second threshold” clause, setting out what happens when the condition is not met. The use of these otherwise clauses, and their punctuation and indentation clearly sets forth the bound of the claims.

The Office Action includes similar rejections of claim 6 and 10, which are similarly overcome by the arguments above. Applicants request withdrawal of these rejections.

**5. Claims 1 and 10 recites the limitation “the n-gram pair” and “the n-gram triple”. There is insufficient antecedent basis for this limitation in the claim.**

Applicants have amended claims 1 and 10. Reconsideration is respectfully requested.

**7. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.**

Claim 1 is directed to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Even though there is physical transformation performed in the claim, however, such physical transformation does not produce a useful, concrete and tangible result. The claim 1 recites, “otherwise, do nothing”. Such a limitation does not produce any useful, concrete and tangible result. Applicant is advised to amend the claims to show the series of steps as recited in claim 1 produce a tangible results being executed by a general-purpose computer in order to correct the above-indicated deficiencies.

**The dependent claims 2-3 are rejected for fully incorporating the errors of their respective base claims by dependency.**

Applicants respectfully disagree. As an initial matter, Applicants note that claims 1-3 and 6-9 were rejected under 35 U.S.C. § 101 in an office action mailed March 28, 2005. Applicants amended claims 1 and 6 to overcome these rejections in a response mailed July 28, 2005. The rejections under 35 U.S.C. § 101 were not included in subsequent office actions until the present Office Action. Applicants have already amended the claims to overcome these rejections and believe that this revived rejection is improper.

Second, Applicants note that the claim must be evaluated as a whole for compliance with 35 U.S.C. § 101. The inclusion of the “otherwise, do nothing” language does not negate the useful, concrete, and tangible result of the claim as a whole. The “otherwise, do nothing”

language simply shows one situation where the method will not perform an association. By analogy, consider a patent claim to a drill with a power switch. The claim may state that the drill does nothing if the power switch is turned off, but performs a drilling action when the drill is turned on. This is analogous to the situation here: there is a condition when an association will not be made, but other situations where associations will be made. As the Office Action admits that “there is physical transformation performed in the claim,” the claim is directed to statutory subject matter. The Examiner will note that the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states:

**The examiner first shall review the claim and determine if it provides a transformation or reduction of an article to a different state or thing. If the examiner finds such a transformation or reduction, the examiner shall end the inquiry and find that the claim meets the statutory requirement of 35 U.S.C. § 101.**

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, at 19.

At least because of this physical transformation, claim 1 is directed to statutory subject matter. Applicants respectfully request reconsideration and withdrawal of the rejection.

**Claim 4 is directed to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result nor provide a physical transformation in the technology art to form the basis of statutory subject matter under 35 U.S.C. 101. Claim 4 recites a series of steps. However, the invention, as claimed, is directed to the manipulation of an abstract idea with no practical application in the technology arts, there is no physical transformation performed in the claim nor providing a concrete, useful, and tangible result. The claim 4, recites “associating each string with zero or more cluster associated with low frequency n-grams form that string” and “associating each string with zero or more cluster associated with low frequency pairs of high frequency n-grams from that string.” These limitations do not produce any useful, concrete and tangible result. Applicant is advised to amend the claims to show the series of steps as recited in claim 1 produce a tangible result being executed by a general-purpose computer in order to correct the above-indicated deficiencies**

**The dependent claim 4 is rejected for fully incorporating the errors of their respective base claims by dependency.**

Applicants respectfully disagree. Claim 4 is directed to “a method implemented in a computer system,” which shows a physical transformation when the method is executed, because the state of the computer system is altered. Furthermore the associations carried out by the computer system produce a useful, concrete, and tangible result as clusters are associated with n-grams or n-gram pairs. Applicants respectfully request reconsideration and withdrawal of

the rejection.

**Claim 10 is directed to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Even though there is physical transformation performed in the claim, however, such physical transformation does not produce a useful, concrete and tangible result. The claim 10 recites, “otherwise, do nothing”. Such a limitation does not produce any useful, concrete and tangible result. Applicant is advised to amend the claims to show the series of steps as recited in claim 1 produce a tangible result being executed by a general-purpose computer in order to correct the above-indicated deficiencies**

**The dependent claims 11-12 are rejected for fully incorporating the errors of their respective base claims by dependency.**

Applicants note that the claim must be evaluated as a whole for compliance with 35 U.S.C. § 101. The inclusion of the “otherwise, do nothing” language does not negate the useful, concrete, and tangible result of the claim as a whole. The “otherwise, do nothing” language simply shows one situation where the method will not perform an association. By analogy, consider a patent claim to a drill with a power switch. The claim may state that the drill does nothing if the power switch is turned off, but performs a drilling action when the drill is turned on. This is analogous to the situation here: there is a condition when an association will not be made, but other situations where associations will be made. As the Office Action admits that “there is physical transformation performed in the claim,” the claim is directed to statutory subject matter. The Examiner will note that the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states:

**The examiner first shall review the claim and determine if it provides a transformation or reduction of an article to a different state or thing. If the examiner finds such a transformation or reduction, the examiner shall end the inquiry and find that the claim meets the statutory requirement of 35 U.S.C. § 101.**

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, at 19.

At least due to this physical transformation, claim 10 is directed to statutory subject matter. Applicants respectfully request reconsideration and withdrawal of the rejection.

**SUMMARY**

Applicants contend that the claims are in condition for allowance, which action is requested. Applicants do not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicants request that the fees be debited from deposit account number 14-0225.

Respectfully submitted,



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